

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 217.6, the Department of Human Services proposes to amend Chapter 151, “Juvenile Court Services Directed Programs,” Iowa Administrative Code.

These amendments improve the understanding of current juvenile justice services. They also describe the expansion of those services to juveniles age 18-21.

These amendments are necessary because juvenile justice services have evolved over time. Additionally, 2015 Iowa Acts, Senate File 412 has extended juvenile court services to juveniles age 18-21. Finally, these amendments will provide better transition services for 18-21 year old youth who are juvenile court services clients when they reach age 18.

Any interested person may make written comments on the proposed amendments on or before January 26, 2016. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 5th Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by email to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A, 217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 232.

The following amendments are proposed.

ITEM 1. Amend **441—Chapter 151, Preamble**, as follows:

PREAMBLE

These rules prescribe services for ~~children~~ eligible children for reimbursement from funds appropriated specifically for juvenile court services directed programs. The state court administrator and chief juvenile court officers have primary responsibility for the administration of court-ordered services (COS) and graduated sanction services for eligible children. The graduated sanction services are also known as “early intervention and follow-up services” or “community-based delinquency programs.” The COS and graduated sanction funds shall also be used to enhance the education and performance of those employees who are involved directly with the clients and their programs.

The juvenile court services directed programs addressed in this chapter include court-ordered services and ~~four~~ three graduated sanction programs: ~~life skills~~ community-based interventions; school-based supervision; ~~supervised community treatment; and tracking, monitoring, and outreach~~ and supportive enhancements. The rules establish the criteria for the allocation of funds and the procedures for administration, application, eligibility, appeals, service delivery, and billing and payment.

ITEM 2. Amend rule **441—151.1(232)**, definitions of “Case file,” “Child,” “Graduated sanction service,” as follows:

“Case file” means ~~a file~~ paper or electronic file that includes referral information, information generated during assessment, documentation of court proceedings, other eligibility determinations, case plans, and case reports, including quarterly progress reports. Case files of providers also include records of provider-child contact that document provision of services.

“Child” means a person under 18 years of age. “Child” also includes a person up to 19½ years of age when (1) the person is adjudicated delinquent and the dispositional order is entered

while the person is 17 years of age (in which case, the order terminates 18 months after the date of disposition), or (2) the person, as an adult, has been transferred to the jurisdiction of the juvenile court and is adjudicated as having committed a delinquent act before becoming an adult (in which case, the dispositional order automatically terminates 18 months after the last date upon which jurisdiction could attach). Included are juveniles who have been adjudicated by the court to have committed a delinquent act upon the child reaching 18 years of age until the child is 21 year of age, if the child and juvenile court services determine the child should remain under the guidance of juvenile court services.

“Graduated sanction services” means ~~life skills~~ community based interventions; school-based supervision; ~~supervised community treatment; and tracking, monitoring, and outreach and~~ supportive enhancements. Graduated sanction services are provided in community-based settings to ~~children~~ an eligible child who ~~are~~ is adjudicated delinquent or who ~~are~~ is at risk of adjudication. Services are directed to help ~~children~~ the child transition into productive adulthood and to prevent or reduce criminal charges, out-of-home placement, and recidivism. Graduated sanction services are also known as “early intervention and follow-up services” or “community-based delinquency programs:” and are intended to enhance life skills of eligible children by providing quality services and purchasing goods to achieve individual and programmatic outcomes. Purchase of goods and services shall be monitored to ensure compliance with state and federal limitations on use of funds.

ITEM 3. Amend subrule **441—151.2(2)(232)** as follows:

151.2(2) Allocations for graduated sanction services. Graduated sanction services are funded by an appropriation to the department. The department allocates the funds to the state court administrator and to the chief juvenile court officers for administration. The funds are

allocated and administered as follows:

a. The department shall allocate a set-aside amount up to, but not to exceed, ~~10~~ 20 percent of the total allocation for graduated sanction services for the state court administrator to pay the administrative costs of the graduated sanction services, including the costs of a ~~court accountant auditor~~ contract administrator accountant position established in each judicial district. This position is responsible to assist in producing data, promoting fiscal efficiencies related to criminogenic risk factors, and monitoring outcome measurements for eligible children served. The contract administrator accountant will also support ongoing development, implementation, and monitoring of evidence based practices.

b. The state court administrator shall:

(1) Establish and implement a written job classification and pay schedule for the ~~court accountant auditor~~ contract administrator accountant positions; and

(2) Administer the set-aside for the eight judicial districts.

c. The department shall allocate the ~~funds for each of the four~~ graduated sanction ~~programs~~ funds, minus the administrative set-aside, among the eight judicial districts based on each district's respective portion of the statewide population of children as reported in current census data. The source of the census data shall be determined and agreed upon by the department and the chief juvenile court officers.

ITEM 4. Amend subrule **151.2(4)(232)** as follows:

151.2(4) Availability of funds. The chief juvenile court officers, the state court administrator, and the department shall monitor the availability of the court-ordered services funds to ensure that funds are available within each district throughout the state fiscal year. The chief juvenile court officers and the department shall monitor the availability of the graduated

sanction services funds to ensure that the funds are available within each district throughout the state fiscal year.

a. The department shall provide to each court accountant auditor at the start of each state fiscal year a blank electronic report, known as the “Y” form, as well as a spreadsheet showing the amount of the district’s allocations for graduated sanction services. The state court administrator shall determine and provide to each district at the start of each state fiscal year the amount of the district’s allocation for court-ordered services.

~~b. The state court administrator shall determine and provide to each district at the start of each state fiscal year the amount of the district’s allocation for court-ordered services.~~

~~eb.~~ Each ~~court accountant auditor~~ contract administrator accountant shall

~~(1) Enter the beginning annual allocation on the “Y” form for court-ordered services and for each graduated sanction service;~~

~~(2) Enter on the “Y” form each month the monthly expenditures and transfers of funds to and from each service; and~~ enter on the “Y” form the annual allocation and expenditures of funds of each service.

~~(3) Submit each month to the department’s division of fiscal management the “Y” form showing the monthly balance of service funds, as well as the cumulative expenditures and fund transfers for each service for the district.~~

~~dc.~~ The department shall:

(1) Use the information provided by each ~~court accountant auditor~~ contract administrator accountant to prepare ~~each month~~ an annual electronic report, known as the Form Y Summary, showing the statewide balance of service funds, as well as the cumulative expenditures and fund transfers for each service for each district; and

(2) Distribute the Form Y Summary ~~monthly~~ annually to the state court administrator and to department and juvenile court services management.

ed. The chief juvenile court officers, in consultation with the department or the state court administrator, shall reallocate funds as needed to ensure the availability of graduated sanction services and court-ordered services on a statewide basis throughout the state fiscal year.

fe. If funding for either graduated sanction services or court-ordered services is exhausted in any district, the respective services within that district shall be discontinued.

ITEM 5. Amend rule ~~441—151.4(232)~~ as follows:

441—151.4(232) Billing and payment. The chief juvenile court officer shall ensure that billing and payment are in compliance with department requirements and the requirements of the accounting policies and procedures manual of the department of administrative services, state accounting enterprise. A claim that meets the requirements of this chapter becomes a state liability on the date of a claim's accrual. The date of a claim's accrual is the date the service was provided, the end of the agreed-upon billing interval specified in the contract, or the date of a determination of liability for the claim.

151.4(1) Claim forms and instructions. The instructions and forms used for billing shall be available to the provider from each ~~chief's juvenile court services~~ judicial district office. Electronic versions of all forms are available.

a. Court-ordered services.

(1) The provider shall prepare a claim for court-ordered services on Form GAX, General Accounting Expenditure, ~~and Form 470-1691, Claim for Juvenile Court Services Programs, or a facsimile thereof.~~ An original, itemized invoice may ~~be substituted for Form 470-1691~~ accompany a form GAX in lieu of an original claimant's signature.

~~(2) The provider shall attach a copy of the applicable court order with each initial claim for court ordered services. Each subsequent claim shall include the first page of the applicable court order, or the case number of the applicable court order shall be entered on Form GAX or Form 470-1691. An approved application or court order will be on file when submitting for payment.~~

b. ~~Life skills, supervised community treatment, and tracking, monitoring, and outreach~~
Community based intervention and supportive enhancements.

(1) The provider shall prepare a claim for ~~life skills, supervised community treatment, and tracking, monitoring, and outreach~~ community based intervention and supportive enhancements on Form GAX, General Accounting Expenditure.

(2) The provider shall also submit ~~Form 470-1691, Claim for Juvenile Court Services Programs, a facsimile thereof, an original, an~~ itemized invoice, or a copy of the provider's list of the ~~children~~ eligible children for whom the claim is made. The document submitted shall include the name of each child and the number of units of service provided to that child each month- or approved invoice.

c. No change.

151.4(2) Preparation of claim. Form GAX, General Accounting Expenditure, shall be submitted with all claims. The Form GAX submitted shall not include claims for more than one fiscal year. The provider, as vendor, must enter on Form GAX:

a. - b. No change.

c. The vendor's ~~invoice date and number~~ service month,

d. A short description of the item or service that was purchased, and

e. ~~Either the provider's social security number, federal identification number, or tax~~

~~identification number, and~~

~~fe.~~ An original claimant signature of the provider unless an original invoice is submitted.

151.4(3) Support of claim. The provider bears ultimate responsibility for the completeness and accuracy of each claim submitted. The provider must maintain a record of the days and times during which each service was provided for each eligible child. The provider's record must correspond to the units billed.

151.4(4) Submittal of claims to juvenile court services. Providers shall submit claims to the ~~chief juvenile court officer~~ contract administrator accountant in the judicial district in which the service was provided. The provider shall submit the original Form GAX and any required ~~supporting documents to the chief juvenile court officer for each claim~~ support of claim per 151.4(3).

a. No change.

b. To ensure payment from funds appropriated for the fiscal year, claims shall be submitted timely to allow the ~~chief juvenile court officer~~ contract administrator accountant to submit the claim to the department within 45 calendar days of fiscal year end, June 30.

151.4(5) Review and approval of claims. The chief juvenile court officer is responsible for accuracy and disposition of claims. The ~~chief juvenile court officer~~ contract administrator accountant shall verify the accuracy of the provider's billings and approve the claims.

a. – b. No change.

151.4(6) Juvenile court services submittal of claims to department. The ~~chief juvenile court officer~~ contract administrator accountant shall prepare and submit claims to the department. Juvenile court services shall make the required number of copies for submittal and shall submit the required documents to the Department of Human Services, Division of Fiscal

Management, Bureau of Purchasing, Payments and Receipts, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. The documents required to be submitted are as follows:

a. New contract and any contract amendments. For the first claim submitted for a new contract or a contract amendment, juvenile court services must submit:

- (1) Two copies of the signed contract or signed contract amendment.
- (2) ~~Three~~ Two copies of ~~Form 470-0022~~, Pre-Contract Questionnaire.
- (3) The original and ~~two copies~~ one copy of Form GAX, showing the contract number, if applicable.

b. Ongoing contract. For subsequent claims for contract payment, juvenile court services shall submit the original and ~~two copies~~ one copy of Form GAX, which shall include the ~~following information:~~ contract number if applicable.

- ~~(1) The contract number.~~
- ~~(2) The warrant number.~~
- ~~(3) The paid date, which is the date the first claim was processed through the I-3 system and is stamped on the first warrant the provider receives through the contract.~~
- ~~(4) The reference document number of the initial voucher of the series to which the contract is attached (the reference document number is the 11 digit number listed under "Departmental Reference Numbers" on the warrant, starting with "413-").~~
- ~~(5) The payment number of the total contracted sequence, if known, such as "payment 7 of 12 payments."~~

c. ~~Contract amendment. For each contract amendment, juvenile court services must submit:~~

- ~~(1) The original and two copies of Form GAX;~~

~~(2) Two copies of the signed amendment; and~~

~~(3) Three copies of Form 470-0022, Pre-Contract Questionnaire.~~

151.4(7) Claim records. The chief juvenile court officer or approved administrator shall have responsibility for retention of records, maintenance of records, and authorized access to records.

a. - b. No change.

151.4(8) No change.

ITEM 6. Amend rule **441—151.6(232)**, introductory paragraph, as follows:

441—151.6(232) District program reviews and audits. Each chief juvenile court officer shall establish procedures to review and audit the provision of the graduated sanction services to ensure that the requirements of this chapter and the contracts are met. The ~~court accountant auditor~~ contract administrator accountant as established according to subrule 151.2(2) shall conduct the reviews and audits.

ITEM 7. Amend subrule **151.6(3)(232)** as follows:

151.6(3) Scope. The ~~court accountant auditor~~ contract administrator accountant shall review and audit the provider's service and financial records, including the client case records and case files, to ensure that the records contain the required documentation of the provision of the contracted service for each individual child for whom a claim is made. The reviews and audits shall include:

a. – c. No change.

ITEM 8. Amend paragraph **151.6(4)“e”** as follows:

e. If the provider does not make payment within 45_60 days, the chief juvenile court

officer shall submit to the department a copy of the notice to the provider for the department's review and further action if necessary.

ITEM 9. Amend subrule **151.6(5)(232)** as follows:

151.6(5) Report. Each ~~chief juvenile court officer~~ contract administrator accountant shall submit to the department an annual report of the district's review and audit activities for each state fiscal year.

a.. – b. No change.

These rules are intended to implement Iowa Code section 232.141.

ITEM 10. Amend subrule **151.20(2)** as follows:

151.20(2) Any services that are provided without the signed approval of the chief juvenile court officer or ~~the chief juvenile court officer's designee~~ approved administrator may be denied payment, unless there is an emergency or after-hours situation and no other provision exists for handling emergency or after-hours situations or transports.

ITEM 11. Amend rule ~~441--~~**151.21(232)**, introductory paragraph, as follows:

~~441—~~**151.21(232)** Certification process. The chief juvenile court officer or approved administrator shall determine the certification of the court for each ordered service.

ITEM 12. Amend subrule **151.21(1)** as follows:

151.21(1) Application for court-ordered services. Any party intending to request court-ordered services funds shall complete an application and receive approval for the funding request from the chief juvenile court officer ~~before making the request to the court~~ or approved administrator.

a. - b. No change.

c. The chief juvenile court officer or approved administrator may establish procedures for handling emergency or after-hours situations and for the handling of transports.

ITEM 13. Amend subrule **151.21(2)** as follows:

151.21(2) Determination. The chief juvenile court officer or approved administrator shall determine whether the requested service is eligible for reimbursement and shall certify that there are sufficient funds available to pay for the service. The chief juvenile court officer or approved administrator shall determine whether:

a. - b. No change.

ITEM 14. Amend subrule **151.21(4)** as follows:

151.21(4) Certification. The chief juvenile court officer or ~~designee~~ approved administrator shall approve or disapprove the request for funds and shall sign and return the application to the applicant.

a. - b. No change.

ITEM 15. Amend subrule **151.21(5)** as follows:

151.21(5) Allowable rates not available. When the department has been unable to establish an allowable rate of reimbursement for a service or a provider, the chief juvenile court officer or approved administrator shall negotiate a reimbursement rate with the provider to obtain the service at a reasonable cost based on available community or statewide rates.

ITEM 16. Amend subparagraph **151.22(1)“b”(8)** as follows:

(8) Evaluation of parents pursuant to a ~~CINA~~ delinquent adjudication unless the diagnosis and evaluation is provided by a person or agency with a contract with the department for that service for which the child is eligible.

ITEM 17. Amend paragraph **151.22(3)** as follows:

151.22(3) Services not listed. If a court orders a service not currently listed in subrule 151.22(1), the chief juvenile court officer or approved administrator shall review the order and shall consult with the department. If reimbursement for the service expense is not in conflict with current law or administrative rules and meets the criteria for certification of the court, the chief juvenile court officer or approved administrator shall authorize reimbursement to the provider.

These rules are intended to implement Iowa Code section 232.141.

ITEM 18. Amend **441—Chapter 151**, “DIVISION III, GRADUATED SANCTION SERVICES,” Preamble, as follows:

DIVISION III

GRADUATED SANCTION SERVICES

PREAMBLE

The graduated sanction services are early intervention and follow-up services to be provided to children adjudicated delinquent and to children who have been referred to juvenile court services for a delinquency violation or who have exhibited behaviors likely to result in a juvenile delinquency referral. The services are directed to enhance personal adjustment to help the children transition into productive adulthood and to prevent or reduce criminal charges, out-of-home placement, and recidivism. The services are provided in the child’s home community.

The graduated sanction services are ~~life skills~~ community based intervention, school-based supervision, ~~supervised community treatment, and tracking, monitoring, and outreach and~~ supportive enhancement services. Together this mix of services and the flexibility allowed in tailoring the services to meet specific needs offer a choice of treatment to meet the specific needs of the child.

ITEM 19. Amend rule ~~441—151.30(232)~~ as follows:

441—151.30(232) ~~Life skills~~Community Based Interventions. “~~Life skills~~”

“Community Based Interventions” means individual or group instruction which includes, but is not limited to, ~~specific training to develop and enhance personal skills, problem solving, accountability, acceptance of responsibility, victim empathy, activities of daily living, and job skills.~~ Supervised educational support, treatment and outreach services to an eligible child who is experiencing social, behavioral, or emotional problems, that placed the child at risk of group care or state institutional placement. A program for a child may be funded from multiple sources, but the funding sources may not duplicate or overlap. The components and activities shall be described in the contract. Services offered may provide individualized and intensive interventions to assist a child in establishing positive behavior patterns and to help the child maintain accountability in a community-based setting.

151.30(1) Service eligibility. Children shall be eligible for ~~life skills~~ community based interventions services without regard to individual or family income when they are adjudicated delinquent or are determined by a juvenile court officer to be at risk and to be in need of the service provided by a ~~life skills~~ community based intervention program. Juvenile court services shall maintain in the child’s case record or case file documentation of the child’s adjudication or at-risk status as well as the child’s need for services.

a. The chief juvenile court officer shall establish written procedures for screening and approving referrals for ~~life skills~~ community based interventions services and make the procedures available to the district’s juvenile court officers.

b. The juvenile court officer shall determine the child’s to be in need ~~for individual or group instruction in any of the life skills service components and shall refer the child for the~~

~~service~~; of services as evidenced by one or more of the following situations:

1. Schools, parents or community organizations, that make complaints of delinquent activities that indicate the need for monitoring and guidance of a child.
2. A petition has been filed alleging delinquent behavior.
3. Juvenile court services action has been initiated including, but not limited to, diversion, informal adjustment agreements, adjudication and disposition proceedings.

c. The chief juvenile court officer may approve ~~life skills~~ community based interventions services for up to six consecutive months at a time, except that service approval shall not extend beyond the current fiscal year unless a contract is in effect to assume the cost for the services provided in the next fiscal year. The officer shall reevaluate the child's eligibility and need for these services in accordance with procedures established by the respective juvenile court services district.

d. Referrals shall not be made or accepted when funds for the program are not available.

e. The child shall not require more extensive treatment than is provided in the community based intervention program.

151.30(2) Service components.

a. ~~Life skills components include specific training to develop and enhance:~~ Community based interventions provide treatment to eligible child as well as an opportunity for eligible child to participate in state-funded educational programming. Therapy or counseling and skill development services may be provided through this program to the child's family; components include specific training to develop and enhance:

(1) Personal skills, including anger management, stress reduction, and self-esteem.

(2) ~~Rescinded IAB 11/9/05, effective 1/1/06~~ Child and parent relationships.

- (3) Problem solving.
- (4) Accountability and acceptance of responsibility.
- (5) Victim empathy and self-advocacy.
- (6) Activities of daily living and time management.
- (7) Job skills including job-seeking skills as well as training for specific jobs and on-the-job training experiences.

(8) Parenting skills.

- b. The contract must specify what is required of the provider.
- c. Services may be co-located with school programs. Although the costs of the state-funded educational programming shall not be funded through the graduated sanctions appropriation, programs shall be developed so that there is close coordination between the treatment and the state-funded educational components.
- d. Services shall include one or more of the following components:
 - (1) Skill building services focusing on social skills, recreation activities, employment readiness, independent living, and other areas related to a child's treatment needs.
 - (2) Individual, group and family therapy and counseling as determined appropriate by the program director and referral source. Staff that provide individual, group and family therapy shall meet applicable state licensing standards.
 - (3) Snacks and meals as necessary during the non-state-funded educational portion of the program day.
 - (4) Supervision and support services, such as transportation to the non-state-funded educational program, family outreach, telephone contact, and electronic monitoring of eligible child.

(5) Transition service planning upon admission, so that timely transition services are available upon discharge, if needed.

(6) Supervision and support services when necessary to help eligible child transition out of the program.

e. Community support services are directed toward the child's maintaining accountability and may include multiple daily contacts with the child through direct face-to-face contact, telephone or technology.

f. Outreach activities provide guidance and advocacy for the child and may include individualized interventions with the child's family as well as assistance in accessing in the following types of resources:

(1) Referral to community organizations.

(2) Health services (physical and mental).

(3) Education.

(4) Employment.

(5) Legal.

(6) Case conferences and services planning.

(7) Diagnostic assessment services.

(8) Family competency – building services.

g. Outreach activities may also include recreation and transportation when guidance and advocacy are a part of the service component.

h. Providers of community based interventions shall submit progress reports on each child receiving services to the assigned juvenile court officer at intervals specified in the contract. The contract shall complete progress reports not more than one month after services are

initiated and within 30 days of the termination of service. Progress reports shall describe the specific instruction provided the child's attendance, response to instruction, and progress toward achieving desired goals and objectives identified by the provider and referral source.

i. The juvenile court officer shall file the provider progress report in the child's case file. Providers of community based intervention services shall prepare an initial treatment plan in consultation with the referral source within 30 days of the child's admission and shall prepare a minimum of quarterly progress reports on each child receiving services.

(1) Additional reports may be prepared when requested by the Juvenile Judge or the child's juvenile court officer.

(2) All reports shall be submitted to the juvenile court officer responsible for monitoring the child's progress. All reports shall, at a minimum, describe the child's attendance, adjustment, and progress in achieving the desired goals and objectives established in the treatment plan.

151.30(3) No change.

151.30(4) Monitoring of service delivery. The juvenile court officer shall monitor the delivery of ~~life skills~~ community based interventions services to children for whom the officer is responsible.

a. - c. No change.

151.30(5) Billable unit and rate setting. Rates for ~~life skills~~ community based interventions services shall be established through an agreement between the provider and the chief juvenile court officer based on the provider's proposed budget. Rates may vary among providers for various types of ~~life skills~~ community based interventions services. The billable unit and unit costs shall be specified in the contract.

a. ~~Life skills~~ Community based interventions service shall be billed on the basis of units

of instruction provided to eligible children during specified time frames.

b. The ~~life skills~~ community based interventions instruction may be provided on an individual or group basis. See paragraph 151.35(2)“c” for rate-setting requirements when more than one child is served at a time.

c. - d. No change.

151.30(6) Provider standards. Providers shall have a contract with juvenile court services and the department for ~~life skills~~ community based interventions services and agree to abide by all required instructional, reporting, rate-setting, and billing and payment procedures for ~~life skills~~ community based interventions services. The chief juvenile court officer shall review provider staff qualifications and training activities. Providers of ~~life skills~~ community based interventions services shall meet all of the following conditions. Providers shall:

a. Be selected and approved by the chief juvenile court officer or designee within each judicial district to provide ~~life skills~~ community based interventions services.

b. Use staff who, in the opinion of the chief juvenile court officer, have the necessary training and ~~experience~~ qualifications to provide quality services on the topic about which they will be delivering instruction.

c. Use a curriculum approved by the chief juvenile court officer for ~~life skills~~ community based interventions.

d. Have the educational and instructional ability, as determined by the chief juvenile court officer, to deliver ~~life skills~~ community based interventions services to eligible children in the settings most suited to each child’s needs.

~~151.30(7)~~ Provider progress reports.

a. ~~Providers of life skills shall submit progress reports on each child receiving services~~

~~to the assigned juvenile court officer at intervals specified in the contract. The contract shall specify progress reports not more than one month after services are initiated and at the termination of service. Progress reports shall describe the specific instruction provided, the child's attendance, response to instruction, and progress toward achieving desired goals and objectives identified by the provider and referral source.~~

~~b. The juvenile court officer shall file the provider progress report in the child's case file.~~

~~c. Rescinded IAB 11/9/05, effective 1/1/06.~~

151.30(87) Outcome measures. Each contract for purchase of ~~life skills~~ community based interventions services shall contain a section to inform the provider that juvenile court services and the department shall track the outcome of the service provision following each child's discharge from the service received through the contract.

a. - b. No change.

c. Juvenile court services shall determine whether the child has reoffended within the 12-month period following the date of discharge from ~~life skills~~ community based interventions. Service to a child shall be considered successful if the child has not been referred to juvenile court services for a law violation during the ~~126~~-month period following discharge from ~~life skills~~ community based interventions.

~~d. Data collected on the children served and discharged shall be used to establish or modify a baseline for the provider and for the service.~~ The data shall be used to develop information to make decisions regarding service provision and contracting.

ITEM 20. Amend rule ~~441—151.32(232)~~ as follows:

~~441—151.32(232) Supervised community treatment~~ Supportive Enhancements.

~~“Supervised community treatment” means a program that provides supervised educational support and treatment during the day to children who are experiencing social, behavioral, or emotional problems that place them at risk of group care or state institutional placement. A supervised community treatment program for a child may be funded from multiple sources, but the funding sources for components of the service may not duplicate or overlap payment or service activities so as to pay for the same or parts of the same service twice or pay for overlapping services. A program whose components and activities are funded from multiple sources must be capable of tracking the receipt and expenditure of funds for the components and activities, and these funding streams must be described in the contract.~~ “Supportive enhancements” means a category of services, real goods or incentives matched to the risk needs of a child and which supports a child in a way to reduce or eliminate antisocial behavior. All services in this category are predicated on a planning and individualized goal development process, which elicits input from the juvenile court officer, service providers, and the child and the family. Services are to build constructive relationships and support networks around the eligible child, within their communities or during transition, and with their families. Supportive enhancements are community based, culturally relevant, individualized, strength based, and family centered. Supportive enhancements may also be called supportive enhancement services. Supportive enhancements are individualized to address the child’s comprehensive and multiple life domains across home, school, and community, including:

- Living environment
- Accountability
- Basic Needs
- Safety

- Social needs
- Educational needs
- Cultural needs

151.32(1) Service eligibility. ~~Children shall be eligible~~ The eligible child shall be qualified for supervised community treatment supportive enhancements services without regard to individual or family income when they are adjudicated delinquent or are determined by a chief juvenile court officer to be at risk and to be in need of service provided by ~~a supervised community treatment program~~ supportive enhancements. Juvenile court services shall maintain documentation in the child's case file of the adjudication or at-risk status as well as of the need for services.

a. The chief juvenile court officer shall establish written procedures for screening and approving referrals for ~~supervised community treatment~~ supportive enhancement services and ~~shall~~ make the procedures available to the district's juvenile court officers.

b. The juvenile court officer shall determine the ~~child's need for supervised community treatment and shall refer the child for service.~~ child is in need of services as evidenced by one of the following situations which is tied into the individualized case plan:

(1) Schools, parents or community organizations, due to complaints of delinquent activities, indicate a need for monitoring and guidance of a child.

(2) A petition has been filed alleging delinquent behavior.

(3) Juvenile court services action has been taken including, but not limited to, informal adjustment agreements, adjudication and dispositional proceedings.

(4) Juvenile court services shall maintain in the child's case record or case file documentation of the child's adjudication or at-risk status as well as the child's need for services.

~~c. The child shall not require more extensive treatment than is provided in the supervised community treatment program.~~

~~dc.~~ The chief juvenile court officer may approve supervised community treatment supportive enhancement services for up to six consecutive months at a time, except that service approval shall not extend beyond the current fiscal year unless a contract is in effect to assume the cost for the services provided in the next fiscal year. The officer shall ~~reevaluate~~ reauthorize the child's eligibility and need for these services in accordance with the procedures established by the ~~chief~~ respective juvenile court officer services district.

~~ed.~~ Referrals shall not be made or accepted when funds for the program are not available.

151.32(2) Service components. ~~Supervised community treatment programs provide treatment to children as well as an opportunity for children to participate in state-funded educational programming. Supportive therapy or counseling and skill development services may be provided through this program to the child's family~~ Supportive enhancement services are to compliment other services or interventions for a child served by the juvenile court services or other provider. These supports allow the juvenile court services to intervene immediately with a support or incentive that is expected to reduce misbehavior or truancy and will lead to improved outcomes. Alternative funds or services shall be utilized prior to supportive enhancements when available. Supportive enhancements may include, but are not limited to:

- Education related services
- Restitution
- Crisis intervention
- Transportation
- Clothing and grooming supplies

- Enrollment for pro-social activities
- Other expenses as approved by chief juvenile court officer

a. ~~Supervised community treatment programs may be co-located with school programs.~~

~~Although the costs of the state-funded educational programming shall not be funded through the supervised community treatment appropriation, programs shall be developed so that there is close coordination between the treatment and the state-funded educational components.~~

b. ~~Supervised community treatment programs shall include one or more of the following components:~~

~~(1) Skill building services focusing on social skills, recreational activities, employment readiness, independent living, and other areas related to a child's treatment needs.~~

~~(2) Individual, group, and family therapy and counseling as determined appropriate by the program director and referral source. Staff that provide individual, group, or family therapy shall meet applicable state licensing standards.~~

~~(3) Snacks and meals as necessary during the non-state-funded educational portion of the program day.~~

~~(4) Supervision and support services, such as transportation to the non-state-funded educational program, family outreach, telephone contact, and electronic monitoring of children.~~

~~(5) Aftercare service planning upon admission, so that timely aftercare services are available upon discharge, if needed.~~

~~(6) Supervision and support services when necessary to help children transition out of the program.~~

c. ~~The contract must specify the responsibilities of the provider.~~

151.32(3) Service referral and follow-up. The juvenile court officer shall:

- a. Determine which service and service provider can best meet the child's needs.
- ~~b. Refer the child to the provider.~~
- ~~eb.~~ Assist in the child's transition to receive the service.
- ~~dc.~~ Follow up after the service has been provided with eligible child, family, and
provider.

151.32(4) Monitoring of service delivery. The juvenile court officer shall monitor the delivery of ~~supervised community treatment services~~ supportive enhancements to ~~children~~ the eligible child for whom the officer is responsible.

~~a. The juvenile court officer shall review provider progress reports and maintain contact with the child, the child's family, the provider, and other community agencies to adequately assess the child's progress and need for service.~~

~~ba.~~ The juvenile court officer shall report problems in service delivery to the chief juvenile court officer.

~~eb.~~ The provider, the child, or the child's representatives may report problems in service delivery to the chief juvenile court officer.

151.32(5) Billable unit and rate setting. Rates for ~~supervised community treatment~~ supportive enhancements shall be established through an agreement between the provider and the chief juvenile court officer, based on ~~the provider's proposed budget. The billable unit and costs shall be specified in the contract.~~ actual expenses and allowed administration costs. Rates may vary.

~~a. Supervised community treatment shall be billed on the basis of units of service provided to eligible children during specified time frames.~~

~~b. The supervised community treatment service may be provided on an individual or~~

~~group basis. See paragraph 151.35(2)“c” for rate setting requirements when more than one child is served at a time.~~

~~c. Rates shall be established and reimbursed based on delivery of one-half hour, one hour, or per diem of specified supervised community treatment service.~~

~~d. The rate for any supervised community treatment service delivered in the same room by staff with the same qualifications as any other comparable treatment or supportive service program shall be the applicable rate established for the other comparable treatment or supportive services program.~~

~~e. Different rates may be established for the different components of the supervised community treatment program, and different sources of payment may be used for the different components.~~

~~(1) Provision may be made in the contract for the billing and payment of telephone or transportation costs to be included in the unit cost, or the provider may, in an attachment to the contract, identify the expenses to be billed separately from the unit cost.~~

~~(2) Telephone calls may be reimbursed according to receipts or at a set rate per call.~~

151.32(6) Provider standards. ~~Providers of supervised community treatment shall meet all of the following conditions. Agencies or organizations shall:~~ Providers shall have a contract with juvenile court services and the Department of Human Services for supportive enhancements and agree to abide by all required instructional reporting, rate-setting, and billing and payment procedures.

~~a. Have a current purchase of services or rehabilitative treatment and supportive services contract with the department.~~

~~b. Be selected by the chief juvenile court officer of the judicial district within the~~

~~geographic area where the program is located to provide supervised community treatment services within all or a portion of the judicial district.~~

~~c. Agree to provide services in compliance with the programmatic standards established by the rules of this division.~~

~~d. Enter into a contract with juvenile court services and the department that establishes expectations, rates, and billing and payment procedures for the supervised community treatment program.~~

~~e. Agree to report supervised community treatment program costs separately on all cost reports.~~

~~f. Agree to comply with higher staff qualifications for specific components of these programs when the chief juvenile court officer outlines the expected qualifications in the request for proposal and program contract. In addition:~~

~~(1) The minimum standard for staff qualifications for staff employed to deliver services in a supervised community treatment program shall be graduation from high school or possession of a GED certificate and the equivalent of one year of full time experience in the delivery of human services in a public or private agency.~~

~~(2) Providers shall ensure that staff has experience in working with the target population of children and shall provide planned opportunities for ongoing staff development and in-service training.~~

~~(3) Staff qualifications shall be monitored by juvenile court services as part of monitoring the contract.~~

~~**151.32(7)** Provider progress reports. Providers of supervised community treatment services shall prepare an initial treatment plan in consultation with the referral source within 30~~

~~days of the child's admission and shall prepare a minimum of quarterly progress reports on each child receiving services.~~

~~a. Additional reports may be prepared when requested by the juvenile judge or the child's juvenile court officer.~~

~~b. All reports shall be submitted to the juvenile court officer responsible for monitoring the child's progress. All reports shall, at a minimum, describe the child's attendance, adjustment, and progress in achieving the desired goals and objectives established in the treatment plan.~~

~~c. Rescinded IAB 11/9/05, effective 1/1/06.~~

151.32(87) Outcome measures. Each contract for purchase of supportive enhancements shall contain a section to inform the provider that juvenile court services and the department shall track the outcome of the service provision following each child's discharge from the service received through the contract. The contract will detail expected outcomes of the service.

a. Juvenile court services, ~~and~~ the department and the provider shall collaborate to determine the criteria and data needed to track and record the outcomes.

b. The provider shall report data as requested by juvenile court services.

c. ~~The department shall make a determination six months following each child's discharge as to whether the child is in foster family care, group care, or institutional placement. Service to a child shall be considered successful if:~~ Juvenile court services shall determine whether the child has reoffended within the six months period following the date of discharge from community based interventions.

~~(1) The child is living at home even when less intensive services are provided; or~~

~~(2) The child is in supervised apartment living.~~

d. ~~Data collected on the children served and discharged shall be used to establish or~~

~~modify a baseline for the provider and for the service. The data shall be used to develop information to make decisions regarding service provision and contracting. Service to a child shall be considered successful if the child has not been referred to juvenile court services for a law violation or removed from their home during the six month period following discharge.~~

e. The data shall be used to develop information to make decisions regarding service provision and contracting.

ITEM 21. Rescind and reserve rule **441—151.33(232)**.

ITEM 22. Amend paragraph **151.34(1)“d”** as follows:

d. Ensure that use of graduated sanctions funds for education and performance for juvenile court staff can be shown to benefit eligible child.

ITEM 23. Amend rule 441--**151.35(232)**, introductory paragraph, as follows.

441—151.35(232) Contract development for graduated sanction services. The chief juvenile court officer shall have the responsibility to purchase graduated sanction services (~~life skills community based intervention~~; school-based supervision; ~~supervised community treatment or supportive enhancements services; or tracking, monitoring, and outreach~~).

ITEM 24. Amend paragraph **151.35(1)“b”** as follows:

b. The chief juvenile court officer or designee shall develop selection criteria for choosing providers to ensure that resources are targeted effectively within the district. Multiple providers may be selected to address the needs within the district.

ITEM 25. Amend subparagraph **151.35(1)“c”(3)** as follows:

(3) The chief juvenile court officer or designee is responsible for distributing a copy of the signed contract or amendment to the provider.

ITEM 26. Amend subrule **151.35(2)** as follows:

151.35(2) Contract content. Contracts for purchasing graduated sanction services shall be developed using contract forms approved as to legal form by the assistant attorney general assigned to work with juvenile court services contracts. Contracts with providers shall incorporate all applicable requirements in Iowa Code section 8.47 as well as the administrative and program requirements of this chapter.

a. No change.

b. Contracts with providers of ~~life skills, supervised community treatment, or tracking, monitoring, and outreach services~~ community based intervention or supportive enhancements shall establish and define the unit of service and the cost of the unit of service to be provided and billed per child. The contract shall specify the payment amount for the unit of service and may specify a maximum number of units but shall not ensure a provider reimbursement for a specific rate of utilization. Payment shall be made only for units of service provided to and billed for specific children.

c. Contracts with providers of ~~life skills, supervised community treatment, or tracking, monitoring, and outreach services~~ community based interventions or supportive enhancements may establish individual or group rates. The contract shall establish a group rate when the service is provided to more than one child at a time. A minimum and a maximum number of participants shall be established when a group rate is set.

(1) - (2) No change.

d. Contracts with providers of ~~supervised community treatment, or tracking, monitoring,~~

~~and outreach~~ community based interventions and supportive enhancements may establish per diem rates when the intensity of service provision per child is variable but the total cost of the provision of the service is known. The range of coverage of the intensity of service provision shall be described in the contract.

These rules are intended to implement Iowa Code section 232.191.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Doug Wolfe	Telephone Number 515-242-5452	Email Address dwolfe@dhs.state.ia.us
--	----------------------------------	---

1. Give a brief summary of the rule changes:

The changes have been drafted to improve the understanding of current juvenile justice services. They also describe the expansion of those services to juveniles age 18-21.

2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):

State law SF412, 86th Iowa General Assembly (2015)

3. What is the reason for the Department requesting these changes?

The changes are necessary because juvenile justice services have evolved over time. Additionally, Senate file 412 has been passed by the Iowa legislature in 2015 and has extended juvenile court services to juveniles age 18-21.

4. What will be the effect of this rule making (who, what, when, how)?

The changes will provide better transition services for 18-21 year old youth who are juvenile court services clients when they reach age 18.

5. Is the change mandated by State or Federal Law?

The expansion of services is mandated.

6. Will anyone be affected by this rule change? If yes, who will be affected and will it be to the person's (organization's) benefit or detriment?

18-21 year old youth who are juvenile court services clients when they reach age 18 will benefit.

7. What are the potential benefits of this rule?

Services and funds will be more accessible for best practice services. Recidivism and crime in general may be reduced. The number of delinquent youth entering the adult system may be reduced.

8. What are the potential costs, to the regulated community or the state of Iowa as a whole, of this rule?

There might be a slight increase in costs for services due to an increased number of individuals eligible, however, no additional funding is requested.

9. Do any other agencies regulate in this area? If so, what agencies and what Administrative Code sections apply?

No

10. What alternatives to direct regulation in this area are available to the agency? Why were other alternatives not used?

None

11. Does this rule contain a waiver provision? If not, why?

No

12. What are the likely areas of public comment?

The public may support better transition services. Some may resist the possible increased cost of services to youth who have committed crimes.

13. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee)

Some additional services will be purchased locally for transitioning of clients.



Administrative Rule Fiscal Impact Statement

Date: 10/20/15

Agency: Human Services
IAC citation: 441 IAC
Agency contact: Victoria Wiedemeier

Summary of the rule:

The amended rules will improve understanding of existing juvenile justice services and provides clear explanations of services in line with how juvenile justice services have evolved. Also, the rules describe expansion of services to JCS clients 18-21 years old to assist in transition to adulthood. The SF412, which was passed by the Iowa legislature and signed by the governor in 2015, extended the upper age of juvenile court services from age 18 to age 21. This rule implements the state law.

Fill in this box if the impact meets these criteria:

- ☒ No fiscal impact to the state.
☐ Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
☐ Fiscal impact cannot be determined.

Brief explanation:

Current JCS jurisdiction ends at 18 for clients involved with the Court. With the expansion to age 21, there will be some clients who will be able to continue counseling or receive emergency services after 18. Although some youth may have services extended, this can be done with existing funding.

Fill in the form below if the impact does not fit the criteria above:

- ☐ Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year		
	Year 1 (FY)	Year 2 (FY)
Revenue by each source:		
General fund		
Federal funds		
Other (specify):		
TOTAL REVENUE		
Expenditures:		
General fund		
Federal funds		
Other (specify):		
TOTAL EXPENDITURES		
NET IMPACT		
<p>_____ This rule is required by state law or federal mandate. <i>Please identify the state or federal law:</i> Identify provided change fiscal persons:</p> <p>_____ Funding has been provided for the rule change. <i>Please identify the amount provided and the funding source:</i></p> <p>_____ Funding has not been provided for the rule. <i>Please explain how the agency will pay for the rule change:</i></p>		
<p>Fiscal impact to persons affected by the rule: There is no fiscal impact.</p>		
<p>Fiscal impact to counties or other local governments (required by Iowa Code 25B.6): There is no impact to counties.</p>		
<p>Agency representative preparing estimate: Victoria Wiedemeier</p> <p>Telephone number: 515-281-6856</p>		